

Statement of: Witness, Joseph A. Barrera # 3215 regarding the following
Allegations:

1. The complainant, Roberto Maldonado, alleges that on 01 May 2013, approximately 2110 hours, while at 2830 W. North Avenue, the accused, an unknown white Officer, n.k.a. , P.O. Craig J Nykiel [REDACTED] was disrespectful when conducting a traffic stop involving the complainant, Roberto Maldonado.
2. The complainant, Roberto Maldonado, alleges that on 01 May 2013, approximately 2110 hours, while at 2830 W. North Avenue, the accused, an unknown white Officer, n.k.a. , P.O. Craig J Nykiel [REDACTED] was racist in that he acted unprofessional when conducting a traffic stop involving the complainant, Roberto Maldonado.
3. The complainant, Roberto Maldonado, alleges that on 01 May 2013, approximately 2110 hours, while at 2830 W. North Avenue, the accused, an unknown white Officer, n.k.a., P.O. Craig J. Nykiel [REDACTED] did not supply his name upon request from the complainant, Roberto Maldonado.

Statement taken at: Chicago POLICE DEPARTMENT Bureau of Internal Affairs
3510 S. Michigan Ave.

Questioned by: SGT C. SGT. PETTIS #1184, Unit 121

Typed by: SGT C. SGT. PETTIS #1184, Unit 121

Date and Time: 17 May 2013, 1634 Hours

Representative/

Attorney Present: Will Fahy

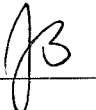
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|----|--------------|--|
| 1 | SGT. PETTIS: | What are your full name, Star, title, and unit of assignment? |
| 2 | P.O. BARRERA | Joseph Anthony Barrera, 3215, Police Officer, 014/ Area North |
| 3 | | Saturation Team |
| 4 | | |
| 5 | SGT. PETTIS: | What is your employee number? |
| 6 | P.O. BARRERA | [REDACTED] |
| 7 | | |
| 8 | SGT. PETTIS: | How long have you worked in your current unit of assignment? |
| 9 | P.O. BARRERA | 01 February 2013. |
| 10 | | |
| 11 | SGT. PETTIS: | You are aware that there are no charges or allegations against you |
| 12 | | and that you are being questioned as a Witness? |
| 13 | P.O. BARRERA | Correct |
| 14 | | |
| 15 | | |

Initials 

1 SGT. PETTIS: Are you accompanied by counsel or representative of your
2 choosing, and if so, identify him/her for the record?
3 P.O. BARRERA Will Fahy
4
5 SGT. PETTIS: Do you understand that this is an official Police Department report
6 and that any deviation from the truth could result in charges being
7 placed against you?
8 P.O. BARRERA Yes
9
10 SGT. PETTIS: Rule 14 of the Chicago Police Department's Rules and Regulations
11 prohibits making a false report, written or oral. You may be
12 separated from the Chicago Police Department if you make a false
13 report. Do you understand this?
14 P.O. BARRERA Yes.
15
16 SGT. PETTIS: At the conclusion of this interview, I will print out this statement
17 for you review. The purpose of the review is to provide you the
18 opportunity to ensure that the questions and your responses have
19 been accurately typed. Please inform me of any typographical
20 errors or other needed minor corrections. You cannot change an
21 answer. When we have concluded the review please initial each
22 page and sign on the designated signature line. Do you understand
23 the process to review your statement?
24 P.O. BARRERA Yes.
25
26 SGT. PETTIS: Are you ready to give your statement at this time?
27 P.O. BARRERA Yes, however this statement is not being given voluntarily, but
28 under duress. I am only giving this statement at this time because I
29 know that I would lose my job if I refuse to do so.
30
31 SGT. PETTIS: Do you know the complainant Roberto Maldonado?
32 P.O. BARRERA Not outside of the traffic stop conducted on 01 May 2013.
33
34 SGT. PETTIS: Do you have any affiliation with him outside of the workplace?
35 P.O. BARRERA No
36
37 SGT. PETTIS: On 01 May 2013, did you curb a vehicle driven by Roberto
38 Maldonado for a traffic violation?
39 P.O. BARRERA Yes I did.
40
41 SGT. PETTIS: What violation did the Maldonado commit that caused you to curb
42 his vehicle?
43 P.O. BARRERA Illegally passing on the right.
44

1 SGT. PETTIS: Where you working with a partner when you curbed Maldonado's
2 vehicle.
3 P.O. BARRERA Yes, I was.
4
5 SGT. PETTIS: With whom were you working with?
6 P.O. BARRERA Officer Craig Nykiel
7
8 SGT. PETTIS: Is this your normal partner?
9 P.O. BARRERA Yes, It is.
10
11 SGT. PETTIS: Who made the decision to stop the vehicle driven by the Roberto
12 Maldonado?
13 P.O. BARRERA I did.
14
15 SGT. PETTIS: Is that the normal routine for you and your partner when making
16 traffic stops?
17 P.O. BARRERA There is no normal routine [§] it's just if we see something whether he
18 sees it or I see it. ^{NB}
19
20 SGT. PETTIS: What did the Roberto Maldonado say to you?
21 P.O. BARRERA The initial stop I exited the vehicle, I walked up to the drivers side
22 window, and asked for his drivers license and insurance.
23 Alderman Maldonado at the point of yelling declared I am
24 Alderman Maldonado, why are you pulling me over, I demand to
25 know why you're pulling me over.
26
27 SGT. PETTIS: Did you make any other comment to Roberto Maldonado at this
28 time?
29 P.O. BARRERA At this time I explained the reason for the traffic stop, which
30 further enraged him, from there he said "you left your beat officer
31 to follow and stop me here." As I tried to explain that I have no
32 beat he interrupted and stated "you have a lot of time on your
33 hands officer stopping me for such a thing." He said I'm going to
34 call your commander. He then picked up his phone and started
35 dialing, at which point I tried to deescalate the situation and I
36 asked him I don't understand why you are so angry, what is the
37 issue I pulled you over for a minor traffic violation as I would any
38 civilian. You asked why I pulled you over and I explained.
39
40 SGT. PETTIS: Why did you decide not to issue a citation for the traffic violation?
41 P.O. BARRERA At this point I was just talking to him trying to deescalate the
42 situation. At this point when he was speaking on the phone he was
43 not acknowledging my questions and speaking on the telephone. It
44 was at that point that I walked to the rear of the car and spoke to

1 my partner who asked me what was going on. Then my partner
2 said that he would go talk to him.
3
4 SGT. PETTIS: Did you ask you partner to speak to Maldonado?
5 P.O. BARRERA I did not ask him to he just decided he would try talking to him.
6
7 SGT. PETTIS: At any time during the traffic stop on 01 May 2013, did you inform
8 Maldonado that you were not going to issue him a citation?
9 P.O. BARRERA I never said I was not going to issue him a citation.
10
11 SGT. PETTIS: Did Maldonado render you his license upon your initial request for
12 his driver's license?
13 P.O. BARRERA Yes he did.
14
15 SGT. PETTIS: Did you return Maldonado's license to him prior to speaking to
16 your partner?
17 P.O. BARRERA In an attempt to deescalate the situation I did hand him back his
18 driver's license.
19
20 SGT. PETTIS: When a driver has there license returned to them during a traffic
21 stop, is that normally indicative that there will be no citation
22 issued?
23 P.O. BARRERA The Alderman's reaction wasn't normal; this wasn't a normal traffic
24 stop.
25
26 SGT. PETTIS: When a driver has there license returned to them during a traffic
27 stop, is that normally indicative that there will be no citation
28 issued?
29 P.O. BARRERA During a normal traffic stop yes.
30
31 SGT. PETTIS: What about this traffic stop would indicate that it was anything but
32 normal?
33 P.O. BARRERA From the get go, he was using his political position to influence
34 me.
35
36 SGT. PETTIS: Other than announcing his office to you, did the Alderman say
37 anything to you that would lead you to believe he should not be
38 issued a citation based on his political position?
39 P.O. BARRERA Not directly to me, but by threatening to call my commander or
40 leading me to believe he was calling the commander, I felt there
41 may be some sort of retaliation.
42
43 SGT. PETTIS: Did you inform your partner that you were not issuing a citation to
44 the motorist.
45 P.O. BARRERA No

Initials 

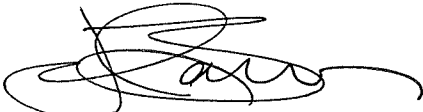
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2 SGT. PETTIS: What did your partner say to you?
3 P.O. BARRERA He just said that he was going to speak with him.
4 SGT. PETTIS: What did you do when your partner approached the driver?
5 P.O. BARRERA I stood near the rear of the vehicle the Alderman was driving.
6
7 SGT. PETTIS: When your partner approached Maldonado's vehicle, what was
8 your partner's demeanor like?
9 P.O. BARRERA Calm and professional.
10
11 SGT. PETTIS: Could you hear what your partner said to Maldonado?
12 P.O. BARRERA Yes.
13
14 SGT. PETTIS: What could you make out clearly from the conversation your
15 partner had with Maldonado?
16 P.O. BARRERA My partner repeatedly asked to see the Alderman's drivers license
17 or have the license, I could not hear the Alderman's responses but I
18 do know he continually refused because my partner kept asking for
19 it.
20
21 SGT. PETTIS: Did you know Maldonado was still on the phone when your
22 partner was speaking to him?
23 P.O. BARRERA I could not tell from my point of view. However, at one point, my
24 partner said in summary, that he knew Maldonado was speaking to
25 our commander, but he still needed to produce a driver's license.
26
27 SGT. PETTIS: Did Maldonado give your partner his license?
28 P.O. BARRERA After repeatedly asking, and after my partner requested for a
29 supervisor over the air, Maldonado produced his driver's license.
30
31 SGT. PETTIS: Was your partner yelling while he was requesting Maldonado's
32 license?
33 P.O. BARRERA Not yelling, however he increased the volume in his voice. I feel
34 that yelling is associated with losing control of the situation, which
35 my partner did not do; he exhibited complete professionalism
36 while increasing the volume of his voice.
37
38 SGT. PETTIS: Did you hear Maldonado ask your partner for his name?
39 P.O. BARRERA I did not hear it, but I did hear my partner say that he would
40 provide everything he wanted but first needed to see the driver's
41 license.
42
43 SGT. PETTIS: Is it routine between you and your partner to switch up when
44 conducting a traffic stop?
45 P.O. BARRERA No

1
2 SGT. PETTIS: Why this time in particular?
3 P.O. BARRERA I was unsure how to handle the situation.
4 SGT. PETTIS: What did you or your partner hope to accomplish by requesting the
5 presence of a Sergeant?
6 P.O. BARRERA Through his initial threats of calling the commander and the
7 subsequent refusal to produce his driver's license, the alderman
8 was escalating the situation, and my partner requested a supervisor
9 in hopes of reaching a resolution.
10
11 SGT. PETTIS: What did you do when the Sergeant arrived?
12 P.O. BARRERA I met the Sergeant as he exited his vehicle, and explained the
13 situation, at that point I believe that my partner was already given
14 the drivers license upon the Sergeant's arrival.
15
16 SGT. PETTIS: What did the Sergeant say to you?
17 P.O. BARRERA I don't recall exactly, but I know he told my partner to take a
18 minute before putting pen to paper and that he would go speak to
19 the alderman.
20
21 SGT. PETTIS: What did the Sergeant say to Maldonado?
22 P.O. BARRERA That I do not know
23
24 SGT. PETTIS: What did Maldonado say to the Sergeant?
25 P.O. BARRERA At one point the Alderman exited his vehicle and walked to the
26 passenger side near the rear of his vehicle not too far from our
27 patrol car and proceeded to yell, while emphatically gesturing to
28 my partner and myself, calling me the Hispanic officer and my
29 partner the white officer.
30
31 SGT. PETTIS: Did the Sergeant say anything to your partner?
32 P.O. BARRERA No the Sergeant never spoke directly to my partner at this time.
33
34 SGT. PETTIS: Did your partner issue Maldonado a citation, how many?
35 P.O. BARRERA He issued him one citation.
36
37 SGT. PETTIS: Did you speak to anyone else concerning Maldonado's traffic stop?
38 P.O. BARRERA My Sergeant and my counsel
39
40 SGT. PETTIS: Do you know the ethnic background of your partner?
41 P.O. BARRERA Yes I do, he is ^{Hispanic} decent.
42
43 SGT. PETTIS: During the traffic stop of Roberto Maldonado on 01 May 2013, did
44 your partner say or do anything that was racial in nature?
45 P.O. BARRERA Absolutely not

Initials 

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2 SGT. PETTIS: Is there anything else that we have not covered in this interview
3 concerning the allegations that you would like to mention at this
4 time?
5 P.O. BARRERA Outside of the Alderman going to the newspaper, other than that I
6 think we've covered everything.
7
8 SGT. PETTIS: You are being informed that this is an ongoing investigation and
9 that you are not to discuss your statement or reveal your statement
10 with anyone other than your attorney or union representative, do
11 you understand?
12 P.O. BARRERA Yes I do.

13
14 The time now is 1737 hours.
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Police Officer Joseph A. Barrera
Area North Saturation Team

29 SGT Christopher SGT. PETTIS #1184
30 Special Investigations Section
31 Bureau of Internal Affairs